

ASSEMBLY BILL

No. 1737

Introduced by Assembly Member Nakano

March 10, 2003

An act to add Section 2407.5 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1737, as introduced, Nakano. Vehicles: driving: wireless telephones: distracting activities.

(1) Existing law requires the Department of the California Highway Patrol to prepare and, on request, supply to police departments, coroners, sheriffs, and other suitable agencies or individuals, forms for accident reports required under the Vehicle Code that call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.

This bill would require any traffic collision report prepared by a member of the department or any other peace officer, to include information as to whether a wireless telephone or other driver distraction or inattention, as defined, is a known or suspected associated factor to the cause of the collision. The bill would require the report to specify whether the telephone was being used in a hand-held or hands-free mode at the time of the traffic collision, if the traffic collision report concludes that a wireless telephone was a known or suspected associated factor to the cause of the traffic collision.

Because the bill thereby would increase the level of services imposed on local law enforcement agencies, the bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2407.5 is added to the Vehicle Code, to
2 read:

3 2407.5. (a) (1) All traffic collision reports prepared by a
4 member of the department or any other peace officer shall include
5 information as to whether a wireless telephone or other driver
6 distraction or inattention is a known or suspected associated factor
7 to the cause of the traffic collision.

8 (2) If a traffic collision report concludes that a wireless
9 telephone was a known or suspected associated factor to the cause
10 of the traffic collision, the report shall specify whether the
11 telephone was being used in a hand-held or hands-free mode at the
12 time of the traffic collision.

13 (b) As used in this section, “driver distraction or inattention”
14 includes, but is not limited to, engaging in any of the following
15 while driving:

16 (1) Using or adjusting a wireless telephone, electronic device,
17 or radio.

18 (2) Smoking or eating.

19 (3) Interacting with children, animals, or other passengers.

20 (4) Performing personal hygiene.

21 (5) Reading.

22 (6) Engaging in any other, similar distractions.

23 SEC. 2. Notwithstanding Section 17610 of the Government
24 Code, if the Commission on State Mandates determines that this



1 act contains costs mandated by the state, reimbursement to local
2 agencies and school districts for those costs shall be made pursuant
3 to Part 7 (commencing with Section 17500) of Division 4 of Title
4 2 of the Government Code. If the statewide cost of the claim for
5 reimbursement does not exceed one million dollars (\$1,000,000),
6 reimbursement shall be made from the State Mandates Claims
7 Fund.

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